

HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.12041 of 2007

Dated:12.06.2007

Between:

G.Kanaka Rao

...Petitioner

And:

Visakhapatnam Dock Labour Board,
reptd., by its Chairman, Visakhapatnam.

...Respondent

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HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.12041 of 2007

ORDER:

Heard learned counsel appearing for both the parties and with their consent, the main writ petition itself is disposed of at the time of admission.

This writ petition is filed questioning the action of the respondent in not considering the case of the petitioner for employment on compassionate grounds on the ground that his brother is employed in Cargo Handling Private Workers Pool.

The petitioner states that on 23.12.1998, his father

retired from the service of the respondent-Board on medical grounds and that subsequently, his father submitted representation dated 06.01.1999 to the respondent-Board seeking to provide employment to him on compassionate grounds. Thereafter, the respondent sent call letter dated 28.02.2000 to him for interview, dated 03.04.2000, for the post of Casual Worker. Later, he was informed that since his elder brother is working in Cargo Handling Private Workers Pool, he will not be provided any employment. It is further stated that in W.P.No.9558 of 2000, filed by a similar situated person as that of the present petitioner, as per the orders of this Court, the case of the petitioner therein was considered and he was appointed by the proceedings, dated 05.11.2006. Hence, the present writ petition.

Learned counsel for the petitioner submitted that the subject matter of this writ petition is squarely covered by the orders dated 19.04.2001 of this Court passed in W.P.No.9558 of 2000, as confirmed by the judgment of the Division Bench in W.A.No.853 of 2001, dated 27.09.2006. It is further submitted that the brother of the petitioner is working in a private firm and as such, on that ground the case of the petitioner cannot be rejected.

Learned Standing Counsel for the respondent-Board

justified the action of the respondent in rejecting the case of the petitioner for employment on compassionate grounds.

The issue raised in the present case is similar to the issue raised in W.P.No.9558 of 2000 wherein the step brother of the petitioner therein employed in Cargo Handling Private Workers Pool made a counter claim and on that ground the case of the petitioner therein was considered. This Court by an order dated 19.04.2001 allowed the said writ petition directing the respondents therein to provide employment to the petitioner therein on compassionate grounds. Learned Standing Counsel for the respondent admitted that the orders dated 19.04.2001 passed in W.P.No.9558 of 2000 were confirmed by the Division Bench of this Court in W.A.No.853 of 2001, dated 27.09.2006 and have become final.

In the circumstances, following the orders, dated 19.04.2001, passed in W.P.No.9558 of 2000, this writ petition is disposed of with the following direction: -

The respondent is directed to consider the case of the petitioner for employment on compassionate grounds without reference to employment of his brother in Cargo Handling Private Workers Pool and pass appropriate orders in accordance with law expeditiously, preferably,

within a period of two months from the date of receipt of a copy of this order.

Subject to the above direction, the writ petition is disposed of, at the stage of admission. There shall be no order as to costs.

12.06.2007
dr

N.V.RAMANA, J